



MEETING AGENDA

TUALATIN PLANNING COMMISSION

April 16, 2015; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Alan Aplin (Chair), Bill Beers, Jeff DeHaan, Cameron Grile, Nic Herriges, Adam Butts and Jan Giunta
Staff: Aquilla Hurd-Ravich, Planning Manager
2. **APPROVAL OF MINUTES**
 - A. TPC Minutes February 19, 2015
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. Blocks 28 & 29 - Preview of Proposed Code Language for PTA-15-02 and Removal of Metro Employment Area Design Type Designation
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners
FROM: Lynette Sanford, Office Coordinator
DATE: 04/16/2015
SUBJECT: TPC Minutes February 19, 2015

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 2/19/15](#)



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF February 19, 2015

TPC MEMBERS PRESENT:

Alan Aplin
Bill Beers
Adam Butts
Jeff DeHaan
Cameron Grile
Jan Guinta

STAFF PRESENT:

Aquilla Hurd-Ravich
Cindy Hahn

TPC MEMBER(S) ABSENT:

GUESTS: Cathy Holland, Linda Moholt, Jonathan Crane

1. CALL TO ORDER AND ROLL CALL

Alan Aplin, Chair, called the meeting to order at 6:31 pm; roll call was taken.

2. APPROVAL OF MINUTES

Mr. Aplin asked for review and approval of the January 15, 2015 TPC minutes.

MOTION by Mr. Griles, SECONDED by Mr. Beers to approve the January 15, 2015 TPC meeting minutes as written. MOTION PASSED (6-0).

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)

None.

4. ACTION ITEMS

A. 2014 Annual Report of the Tualatin Planning Commission

Aquilla Hurd-Ravich, Planning Manager, stated that the Report is required yearly, per the Tualatin Municipal Code (TMC). It refers to activities of the Planning Commission regarding land use actions. 2014 was the first year for TPC to make decisions on quasi-judicial matters. Items that came before TPC for review included: two quasi-judicial (height of a cell tower and a sign variance), implementing Linking Tualatin, and a Plan Map amendment that changed two properties to High Density Residential. These items involved varying levels of public involvement.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

The Annual Report also talks about Urban Renewal Blocks 28 & 29 and the announcement of a City Task Force on Aging. Ms. Hurd-Ravich noted that the report also includes topics of discussion that came before TPC, which included: Basalt Creek, Southwest Corridor, Metro, TriMet, and the Capital Improvement Plan (this may become an annual agenda item for TPC).

Ms. Hurd-Ravich said the action for TPC tonight is to make a recommendation on the Annual Report; then Mr. Aplin will be requested to present the report to Council.

Mr. Aplin asked the Commissioners if they thought anything else needed to be included in the report. Commissioner Guinta said she had spoken with Ms. Hurd-Ravich and thought maybe if Mr. Aplin could mention some of the Commission's activities during 2014, in addition to other committees; use it as sort of an opportunity to "brag" before Council.

MOTION by Mr. Grile; SECONDED by Mr. DeHaan, to recommend acceptance of the Annual Report and present it to Council. MOTION PASSED (6-0).

B. Consideration to Amend the Tualatin Development Code (TDC) Chapters 31, 60, 61, 64, and a new Chapter 80 to Establish Reasonable Time, Place, and Manner Regulations for Marijuana Facilities. Plan Text Amendment 15-01 is a legislative matter.

Cindy Hahn, Associate Planner, presented the staff report for TPC's consideration of a Plan Text Amendment. Ms. Hahn's presentation included a PowerPoint presentation. She gave a brief background, noting that 1) Council provided direction to staff at the January 26, 2015 Work Session, 2) Staff sent DLCD notice of the proposed code changes January 30, 2015; and 3) TPC recommendation will go to Council on February 23, 2015.

Ms. Hahn stated that the proposed PTA will make changes to several TDC chapters, including proposed new language in Chapter 31 to include definitions for: marijuana, marijuana-edible, marijuana extract, marijuana facilities, marijuana-homegrown. Adding marijuana facilities as a permitted use in ML, MG, and MBP (Chapter 60, Chapter 61, and Chapter 64). The new Chapter 80 Marijuana Facility Regulations will address marijuana facilities, edible marijuana, butane extraction, and homegrown marijuana.

Ms. Hahn then reviewed the draft code - Development standards, which include language regarding hours of operation, location, outdoor storage, odors, where facilities would be allowed, buffers, co-location restrictions, and size of facilities. Also included are standards regarding edible marijuana, butane extraction prohibition, and homegrown marijuana standards.

Ms. Hahn noted a correction to the title on the map depicting the buffer distances from residential and schools; it should read: Potential Marijuana Facilities Zoning (not Potential Medical Marijuana Zoning).

The next steps are: February – draft code language, March – public hearing and ordinance adoption, and May – ordinance to take effect. Tonight the hope is to get a recommendation from TPC to take to the February 23 Council meeting.

Audience Comments

Cathy Holland, resident of Tualatin and volunteer with the Commercial CIO. This is not a position of the Commercial CIO. We do contact businesses in the Tualatin area and ask for feedback. Two current businesses do business with marijuana entities. She said they wanted amendments made. Ms. Hurd-Ravich noted that staff needs a recommendation from TPC tonight to move forward, but can take amendment information. In their view, this proposed TDC amendment will result in a ban.

She said the yellow area consists of: wetlands, buildings that have FDIC financing (FDIC won't loan if space to be used by marijuana facilities), owner/occupied buildings, and vacant buildings (which are large square footage). Owners of the large buildings aren't going to rent to tenants that only need small square footage. In their opinion, the City's proposed language is too prohibitive.

Ms. Holland went on to question what this means – it means it is a ban. If it is a ban, anyone with standing can go to LUBA. She said they suggest that the City revisit the 3000-ft setbacks. If the City makes it difficult to buy marijuana, then people will grow at home and businesses that sell grow lights, fertilizer, etc. will benefit.

They suggested a 1,000 ft buffer from residential. Also, lower the 3,000 feet between facilities to 1,000 feet between. Typically you can't rent from the large national property management companies because they are seeking firms that desire that large square footage. Locally owned buildings would most likely be a better possibility for space rental. You could have the buffer 1,000 feet from parks, 1,000 feet between dispensaries, and 1,000 feet from residential. This would still keep them within industrial, but provide more opportunity to find locations where they can rent.

Ms. Holland said they went through the code and gave her suggested amendments. Besides the restriction on closest property, they have an issue with hours of operation. Dispensaries and grow operations have been combined. Grow operations (legal in Oregon) can operate 24 hrs a day/7 days a week. They cannot be subject to this language or it would be a ban. Grow operations are not open to the public.

Mr. DeHaan asked who “they” were. Ms. Holland clarified that “they” are two business people who are currently working with marijuana businesses (a commercial real estate broker and an attorney). They each have clients that are involved in the marijuana business. These two people are in the Tualatin Commercial CIO. They put her in touch with a Medford person currently in the marijuana business.

Ms. Guinta asked how they felt about the 3,000 square foot space size limit, as she imagined that grow operations would typically be much larger than that. Ms. Holland said that the attorney said he had two clients that have 10,000 square foot operations. It was noted that Oregon Health Authority (OHA) doesn’t tie licensing to facility square footage; it is tied to patient numbers. Ms. Guinta asked if growers need more than 3,000 square ft; Ms. Holland noted that the 10,000 square ft facility she just referred to was actually shared by four growers.

Ms. Holland said the attorney she spoke with had brought up the issue of equal protection under the 14th Amendment. He said that because the City of Tualatin doesn’t treat liquor stores the same as marijuana facilities, there could be cause for action against the City. Also, the area the City is proposing for use doesn’t have bus service and many users need bus service; that could also be considered in an action against the City.

Linda Moholt, President, Tualatin Chamber of Commerce, said the Chamber is just monitoring the situation at this point, they haven’t yet taken a position. Several people questioned putting retail space in industrial space. Does that fit in the overlay district? What about the new area on SW 112th (Hedges Development) - can sandwich or coffee shops locate there; would retail dispensaries fit in that area?

Ms. Moholt asked if liquor stores are considered retail; Ms. Hurd-Ravich replied that Central Commercial Planning District called out for that type of store. She asked why they shouldn’t be considered as retail. Ms. Guinta said she felt Ms. Moholt had a valid question – do you want the retail outlet of medical marijuana to be allowed in commercial areas in industrial zones. Ms. Moholt said no, but several people have expressed concerns regarding where it feels incongruent. Maybe they would fit in the new overlay area. Could that new overlay take some angst off of both sides. Ms. Guinta stated she supports the overlay in industrial area; is that viable? Mr. Aplin said industrial lands would prefer not to have their lands crossed over into retail; they may be adverse to that. Ms. Hurd-Ravich noted there are different ways to have retail uses in industrial, Industrial Overlay specific to Franklin Business Park has very specific uses that can go in there: food, convenience stores, office. It is a very limited group of uses.

The Plan Text Amendment adopted within the past year (in association with Linking Tualatin) allows commercial to have small (5,000 square ft or less) retail, the rest has to be industrial. The point of both of these code pieces was to allow employees/employers a way to access services without having to go into downtown Tualatin. If

TPC would like the lists of acceptable uses expanded, you can request the allowed retail in these industrial area be expanded. Ms. Hurd-Ravich said there is some language that allows certain retail to occur with a square footage cap of 5,000 square feet. Brief discussion followed.

Mr. Aplin asked if anyone else wished to comment. Jonathan Crane, *Tualatin Life*, inquired as to what the math was in terms of minimum distance between facilities. It seems like a very confined space where allowable. How many facilities could possibly locate in that area? Mr. Beers said if optimal, maybe two. Ms. Hahn said staff had tested measurements and potentially three could fit in the allowable area. Mr. Crane asked if anyone looked at revenues, would it be a tax benefit; would it be more feasible to figure out a way to have three or four. If there is a tax base we aren't missing, if we are going to have an area; this almost seems it is set up to fail – so few options. If you made it a larger area and could fit four or five facilities, would that benefit the community tax-wise (tax base/revenue).

Mr. Aplin said it looked like the map was developed with offsets taken into consideration; Ms. Hahn replied that was true. Mr. Beers stated that he recommends 1,000 ft.; Ms. Guinta said she supports 3,000 ft. Mr. Grile asked how the 3,000 ft. buffer came about; Ms. Hurd-Ravich replied that came from discussion with Council. Ms. Guinta noted they had done 1,000 ft, 2,000 ft, and 3,000 ft to see the affects. The decision was made for the 3000 ft buffer.

Mr. Aplin stated there is good information to support it is a very restricted area in the City; that is by design. He understands there may not be buildings that meet needs due to size and that there are financial institutions that won't deal with them if it is a marijuana business. He went on to say that he is not in favor of making it more accessible by compromising offsets from schools and parks. He shares concerns about how it may set up a business to fail; no idea of tax revenue and cost of managing, and if ever a surplus of funds from that. Mr. Grile noted how Ms. Holland felt the result could be a ban; due to restrictions – could it be considered as such. Ms. Hurd-Ravich said she can do more checking on that; but if we set it up, an owner has a right to chose if they wish to rent to that type of business. If able to say legally a ban it will be tossed back at us. Ms. Hurd-Ravich stated they worked closely with the City Attorney, they will go back to him for further consultation.

Mr. Crane said if all “perfect”, you could squeeze three facilities in the area. Couldn't someone then figure if they located in the middle that could preclude anyone else from locating in the allowable zone; strategic locations would make it impossible for any competitors. Language could be changed to say no more than three facilities allowed in the designated area.

Mr. Aplin expressed concerns about Ms. Holland's comment regarding folks turning to home grown and hours of operations. Ms. Guinta said that according to OHA, they allow medical marijuana card holders to have four plants in their home. She noted

Mr. Grile had previously expressed his concern for common wall dwellings in relation to home grown marijuana.

A question was asked about whether or not the proposed regulations were consistent with the Oregon Health Authority and regulations regarding home grow operations. Ms. Hurd-Ravich said she doesn't think this code will affect people who are growing with OHA card. Ms. Guinta thought definitions included OHA requirements; Ms. Hurd-Ravich said she would double-check this.

Mr. Beers asked for language to clarify that proposed standards only apply to home grow operations that are outside of a home. Ms. Hurd-Ravich stated she had asked about common wall dwellings and was told it is very difficult to regulate between lease/owner line. A question to follow up on would be any conflicts of our language. She said the City can put in a clarifying statement if growing in your home these stipulations are to be followed; if growing outside, then these are the rules to follow.

Mr. Beers asked about the presentation slides—co-location of grow facility and dispensaries not allowed; is it possible to co-locate a medical dispensary and a recreational facility? Our code language doesn't seem to differentiate. If selling to both medical customers and recreational customers, can you have just the one store and sell both out of the same facility? Can one proprietor serve both OHA and OLCC recreational and have both in one.

Mr. Beers asked if it were Council's intent to have set hours for all facilities or just retail; Ms. Hurd-Ravich replied for all facilities. Mr. Beers then asked about butane extraction. Ms. Hahn said she knows the machine for extraction is very expensive. You have to be a commercial operation to want to do it. Prime beneficiary would be children with epilepsy. Ms. Guinta asked about butane and wondered if we might want to use a more general term as techniques may change in the future; and six months from now there may be something equally as explosive and dangerous.,

Mr. Grile said he doesn't know how the City can regulate that. Ms. Hurd-Ravich said 80.200, Definitions, specifically mentions butane extraction. Mr. Grile asked if it is the act that is not allowed or the extract; Ms. Hurd-Ravich clarified the act is not allowed. She said that is what is stated in the code, it applies to planning districts where allowed.

Mr. Butts said when Measure 91 came out – by definition the City will prohibit people from growing fig trees and mulberry plants as marijuana is included in the same family – clarification/correction needs to be made. Cannabis is now in its own family – *Cannabaceae*.

Mr. Butts asked how we can regulate packaging that is attractive to children. How would that be possible to regulate as it can be very subjective. One option might be

to take out the wording “packaging that is made attractive to children”; and say “can’t have candy-type packaging”.

Ms. Hurd-Ravich gave some background on the packaging issue. She said there had been much discussion at a Council work session at which the Police Chief had expressed great concern. Mr. Butts suggested using language that says “packaging that imitates candy is prohibited”.

Mr. Beers asked what “other objectionable odors” would be. Ms. Hurd-Ravich said her information is that during production of extract there can be odors that are very “chemical-like” and offensive to most.

Mr. Aplin said we now have a draft that is somewhat the distillation of Council’s recommendations for distances, we have a couple of issues brought up regarding homegrown and how to handle the effective situation of location of facilities. He then asked if there were any other things if going to make a recommendation with any caveats.

Ms. Guinta said she has four items:

1. Allow 24/7 hours of operation for grow facilities.
2. Allow medical dispensary in Industrial Business Park Overlay District and small scale mixed uses.
3. Reduce separation between facilities from 2,000 ft to 1,000 ft.
4. Clarify inconsistencies in analysis & findings of PTA and Chapter 80.

Other items noted include:

- Look at family names and make definitions accurate (compare to Federal Government taxonomy).
- Making some changes in 80.100(4) to packaging that imitates candy – needs to be prohibited.
- Add clarifying language to homegrown section 80.300 – clarifying if marijuana grown outside, following these regulations (what is already listed).

Mr. Aplin had other considerations including asking the Council to evaluate the spatial limitations in the area and consider only allowing 3 facilities. An additional consideration was to apply hours of operation differently for retail facilities versus growing operations.

Ms. Guinta added that the butain extraction definition should be considered for expansion. .

Mr. Aplin responded to Ms. Guinta’s comment about the overlay districts. He was concerned how many other places would that open it up to if additional language were added. Ms. Guinta responded that specific uses would have to be added to the overlay. If adopting this language in Hedges area, marijuana would go on the list

and could be allowed. Mr. Aplin asked if it falls in the yellow area; Ms. Hurd-Ravich said no.

Mr. Beers stated he feels 3,000 ft buffer is too restrictive; would like to discuss reducing to 1,000 ft.

Mr. DeHaan said he has four comments:

1. Has this language gone over in great detail by the City Attorney?
2. Not in favor of allowing operation ours 24 hours a day seven days a week, and unless it is clarified that grow operations only are not restricted but retail and operating hours are restricted to 10am-8pm.
3. If the code language turns out to be a hindrance to business it can be amended at that time.
4. Supports the restrictive nature at this point in time and not in favor of reducing buffers.

Mr. Grile asked if the City adopts this PTA and the State sets regulations that are in conflict; will this come back to TPC. Ms. Hurd-Ravich said yes, we would have to then revise our code. If this is the policy direction, have to weigh the risks.

Mr. Aplin said he feels there are definitely emotions associated with these recommendations. Mr. DeHaan indicated because of the legal nature; won't come to vast consensus at tonight's meeting. Discussion followed regarding limitations of how many locations in the yellow area.

Mr. Grile asked how to move forward with what is here regarding packaging – use what is written with these potential options. Possibly just put forth the list of concerns to Council.

Mr. DeHaan asked if the City would have the option to do a Conditional Use to allow more facilities in the permitted area. Ms. Hurd-Ravich replied no, not unless it is written in the code we are adopting. He then asked if a Conditional Use could be added as a possibility; Ms. Hurd-Ravich said the code could be amended in the future. Mr. Aplin noted he felt it would be wise to have one of each type of facility: medical, grow, and recreational.

Ms. Moholt asked about timing/hours of operation – could the City specify hours that growers could deal with their wholesale customers. Mr. Beers noted all are just referred to as marijuana facilities; need to spell out difference for grow facilities.

Brief discussion followed regarding taking the suggestions to Council. Ms. Guinta said she would be willing to vote on a staff recommendation that includes the list of items offered to Council for their consideration.

MOTION by Mr. DeHaan to accept this draft of the PTA as written and offer to Council the list of items for their review and final decision; SECONDED by Ms. Guinta. Passed (6 – 0)

5. **COMMUNICATION FROM CITY STAFF**

None at this time.

6. **FUTURE ACTION ITEMS**

Ms. Hurd-Ravich stated that in March they may have update on Blocks 28 & 29 PTA. If ready, there may be a preview on March 19, actual recommendation to Council May 26th. Also, there is another sign variance for Nyberg Rivers – Cabela's banner signs.

7. **ANNOUNCEMENTS / PLANNING COMMISSION COMMUNICATION**

None.

8. **ADJOURNMENT**

Mr. Aplin adjourned the meeting at 8:35pm.

Ginny Kirby
Office Coordinator

No local taxes on retail marijuana: Editorial Agenda 2015

marijuana washington.JPG

Marijuana is measured in 3.5-gram amounts and placed in cans for packaging at the Pioneer Production and Processing facility in Arlington, Washington, last month. Washington struggled after legalization with scarcity of supply. As of last month, however, growers had overachieved, producing a glut and driving prices down. (AP Photo)

The Oregonian Editorial Board By **The Oregonian Editorial Board**

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on February 07, 2015 at 3:00 PM, updated February 07, 2015 at 3:37 PM

More than 70 Oregon cities and counties wish to levy taxes on the sale of marijuana – this despite Measure 91's prohibition against local taxation.

In the successful campaign running up to passage of Measure 91 last November, a key refrain was that recreational marijuana should be legal because an open, accessible market for the drug would help drive out the illegal trade. Cheap, high quality, widely available legal pot would trump a dicey pricey product from an outlaw any day. Meanwhile, police officers at local, county and state levels would be relieved of enforcing a useless prohibition against marijuana possession that drains enforcement budgets and leaves otherwise law-abiding Oregonians in some cases with criminal histories.

Cynics predictably said pot was here anyway, owing to Oregon's baggy medical marijuana program and the presumption that pot was easily available beyond the law's reach. But **Measure 91** was and remains a rational proposition to decriminalize the drug as well as create a legal market that will, in time, make the sight of pot on store shelves nearly as commonplace as liquor.

Even though 56 percent of Oregonians approved the measure, dozens of Oregon towns and cities decided before the vote to claim a right to levy taxes on the sale of marijuana within their realms - this despite Measure 91's clear prohibition against local taxation. The actions were taken in fear of unknown potential civic costs related to store siting and police enforcement near stores and beyond. And they were taken in the apparent belief that Measure 91's state tax collected at the producer's level would generate insufficient revenues to offset such unknown costs. The formula for divvying up state tax collections put schools on top and cities and counties, at 10 percent of revenues each, near the bottom.

Now comes a bill in the Legislature to "protect" Oregon communities from the measure Oregonians approved. Sponsored by **Sen. Jackie Winters, R-Salem**, and supported by the **League of Oregon Cities**, the bill would allow local taxation on legal marijuana sales and also ensure that town councils and county commissions could, if they wish, ban the sale of marijuana within their borders.

The bill is well-intended in that it underscores a time-honored Oregon tradition: home rule. But **Senate Bill 542** is wrongheaded in at least two key ways: It violates the will of Measure 91's supporters by saying a local governing board can ignore a statewide



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directive, potentially creating a patchwork of sales areas and undercutting the product availability needed to overwhelm the black market. Measure 91 allows a majority of voters within a jurisdiction to ban pot sales. The senate bill also leaves open the amount any municipality might choose to levy as a tax, thereby adding to the retail cost of marijuana and potentially driving legal customers to a less expensive black market. In these and other respects, the bill defeats Measure 91's first and best purposes. The Legislature should reject it in its current form.

Lawmakers should take it under advisement that many folks in Oregon voted against Measure 91 and are wary of the impact of legal marijuana in their communities. Local sentiments must be taken into account with the full knowledge they sometimes don't line up with statewide directives - that's the case in Kirkland,

Washington, considered sympathetic to legal pot in a statewide vote but still struggling over the siting of two pot shops. The Legislature should find other statutory steps to ensure that marijuana in Oregon emerges from prohibition in a manner that is safe, legible and profitable while asking communities to pull together rather than Balkanizing implementation through bans or excessive taxation.

One step could be to alter Measure 91's formula for sharing state tax revenues: Currently, 40 percent would be transferred to the state's Common School Fund, 20 percent would go the Mental Health, Alcoholism and Drug Services Account, 15 percent would go to the State Police Account, 10 percent each would go to cities and counties, and 5 percent would go to the Oregon Health Authority for drug prevention programs. Another step could be to push the stipulated rate of taxation upward slightly - either alone or combined with an effort to divvy up the proceeds differently.

The fine details in making marijuana legal - still to be hammered out in Salem - really count if more than 70 Oregon towns, cities and counties are to drop their claims for taxation and help figure out a fair way forward.

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Make Portland a city that works

Get pot right

Smart choices for education

Help rural Oregon

Keep people and goods moving

Foster small business growth

Track health reforms

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MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Cindy Hahn, Associate Planner

DATE: 04/16/2015

SUBJECT: Blocks 28 & 29 - Preview of Proposed Code Language for PTA-15-02 and Removal of Metro Employment Area Design Type Designation

ISSUE BEFORE TPC:

Staff is providing information on allowing additional commercial/retail uses in Blocks 28 & 29 of the Central Urban Renewal District (CURD) to prepare the Planning Commission for review of a Plan Text Amendment (PTA) and recommendation to City Council at the May meeting. In addition, information is being provided about removing the Metro Employment Area Design Type designation from Blocks 28 & 29.

EXECUTIVE SUMMARY:

Background

Urban Renewal Blocks 28 & 29 include 23 properties south of Old SW Tualatin-Sherwood Road and north and west of the railroad tracks in the southwest part of downtown Tualatin. (See Attachment 1 for a map of the area.) The underlying planning district is Light Manufacturing (ML). General Commercial (CG) uses are allowed by the Central Urban Renewal District (CURD). Central Commercial (CC) uses are not permitted in Blocks 28 & 29. Existing land uses in the area currently includes a mix of light manufacturing and auto-oriented commercial/retail.

The City receives numerous requests to allow CC uses, such as health and fitness facilities and studios. These uses are currently either allowed in limited size and as subordinate uses to manufacturing on any given property, or are prohibited outright. The 2005 Town Center Plan identified the need to rezone the entire area to CG, which allows CC uses outright.

At work sessions in March and April 2014 the City Council discussed zoning options for Blocks 28 & 29. Council directed staff to move forward with a PTA that would allow CC uses, but restrict some of the uses based on size and scale to control traffic congestion on SW Tualatin-Sherwood Road and at major intersections in downtown.

Plan Text Amendment 15-02

Plan Text Amendment (PTA) 15-02 proposes to allow more flexibility in uses in Blocks 28 & 29

of the CURD by amending Chapter 60: Light Manufacturing (ML) Planning District of the Tualatin Development Code (TDC). The proposed code changes would accomplish the following:

- Increase flexibility in the types of uses, thus responding to market pressures
- Minimize impacts on surrounding intersections and the I-5 /Nyberg interchange
- Make some existing non-conforming uses conforming
- Allow existing uses, including light industrial uses, to remain conforming.

The proposed code language is included as Attachment 2 to this report. The proposed amendment would change uses in Blocks 28 & 29 (in the ML planning district) as follows:

- Add: Assembly, packaging, and treatment of beer and other alcohol products, with or without a tasting or tap room
- Prohibit: Automobile service station, with or without a mini-mart; and motel or tourist court
- Limit: Size of all commercial/retail uses to 60,000 square feet per property
- Allow: Outdoor seating associated with tasting or tap rooms and eating and drinking establishments
- Add: Three office, 17 retail, and 15 service uses:
 - Office:
 - Medical-dental clinic
 - Business or professional office
 - Real estate office
 - Retail:
 - Antique shop or secondhand store
 - Appliance store (incidental repairs only)
 - Automobile accessory sales and auto parts retailing and wholesaling
 - Bicycle sales, service or repair
 - Book store
 - Clothing store
 - Florist
 - Furniture store (non-warehouse type)
 - Hardware store
 - Jewelry store
 - Pawn shop
 - Pet shop
 - Plant shop
 - Record or music shop
 - Scientific or professional instrument sales or repair
 - Sporting goods store
 - Stationary store
 - Service:
 - Barber or beauty shop
 - Blueprinting, photostating, printing, lithographing, or other reproduction process
 - Business college
 - Business machine sales, service or repair
 - Eating and Drinking Establishments:
 - Catering establishment
 - Tavern or cocktail lounge
 - Health or fitness facility

- Laundry or drycleaning establishment
 - Locksmith or gunsmith
 - Magazine or newspaper distribution agency
 - Radio or television service
 - Shoe repair shop
 - Studio, including music, art, dancing, photography or health
 - Telephone or telegraph exchange
 - Watch and clock repair
- Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070

In addition to the above, the following General Commercial (CG) uses already are allowed in Blocks 28 & 29:

- Office:
 - Veterinarian's office or animal hospital
- Retail:
 - Boat, boat motor and boat trailer sales (with restrictions)
 - Building and home improvement materials and supplies retail sales (with restrictions)
 - Feed and seed store
 - Motorcycle sales and service
 - Recreational water, snow, and land vehicle sales and service
- Service:
 - Automobile glass shop; auto leasing office; auto service shop; and auto tire shop (with restrictions)
 - Automobile towing company office and dispatch office (with restrictions)
 - Dental laboratory
 - Eating and Drinking Establishments:
 - Drive-in restaurant (with restrictions)
 - Take-out restaurant (with restrictions)
 - Frozen food locker
 - Memorial planning and products center
 - Nursery or greenhouse
 - Optical lens grinder
 - Photo processing
 - Publishing house
 - Rental of various small equipment, tools and devices
 - Taxidermy shop
 - Testing laboratory

PTA-15-02 also proposes to make one clarification in Conditional Use section TDC 60.040(n) related to retail automobile service stations, and delete TDC 60.050 Prohibited Uses from the ML planning district. These are "clean up" measures that fix conflicts and confusion about uses in this district and Blocks 28 & 29.

Transportation Analysis

The City hired DKS Associates to complete a transportation analysis to provide guidance for

redevelopment potential of the area. At the same time, staff engaged the Commercial Citizen Involvement Organization (CIO) Development Planning Advisory Group (DPAG), the Chamber of Commerce, and owners of property in Blocks 28 & 29 in more detailed discussions about allowing more flexibility in uses in this part of the City. In addition, staff consulted with Metro, ODOT, and Washington County about the proposed amendment.

The Transportation Analysis prepared by DKS Associates included two trip generation scenarios: Existing Zoning and Proposed Zoning. Land use characteristics of each scenario are shown below in Table 1 and a trip generation comparison is shown in Table 2.

Table 1. Land Use Characteristics by Scenario (Share of Gross Square Footage)

Land Use Type	Existing Zoning	Proposed Zoning
Industrial	35%	20%
Office	3%	10%
Commercial/Retail/Fitness	62%	70%

Table 2. Trip Generation Comparison

Time Period	Existing Zoning	Proposed Zoning	Potential Change
Daily Trips	5,066	5,042	-23
PM Peak Hour Trips	403	386	-17

The Transportation Analysis found that the proposed zoning change would not significantly increase daily trips or PM Peak Hour trips, and there would be no level of service (mobility standard) impacts at adjacent intersections for the Transportation System Plan horizon year (2035) under the proposed zoning scenario. Further, because the proposed zoning change would not generate significantly more vehicle trips, the Transportation Planning Rule requirements (OAR 660-012-0060) would be sufficiently met. The full Transportation Analysis report is contained in Attachment 3 to this report.

Metro Employment Area Design Type Designation

Title 4 of the Metro Urban Growth Management Functional Plan addresses industrial and other employment areas in the Urban Growth Boundary (UGB). The purpose of Title 4 is to "provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas". Title 4 further directs cities and counties to "include measures to limit new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - in order to ensure that they serve primarily the needs of workers in the area". Blocks 28 & 29 are designated Employment Area (EA) on the Employment and Industrial Areas Map.

The intent of Title 4 will not be met with the changes proposed in PTA-15-02 for Blocks 28 & 29. However, the area is in transition and currently only has about 35% industrial uses as compared with 65% in commercial/retail use. The City is requesting that Metro remove the EA designation given the current amount of industrial uses and the transitional status of the area. This process

is estimated to take about 30 days to complete after Metro receives the request. The City Council will be presented with a request to authorize the City Manager to initiate this process at the April 27 work session.

Public Involvement

Staff engaged the Commercial Citizen Involvement Organization (CIO) Development Planning Advisory Group (DPAG), the Chamber of Commerce, and business and property owners in Blocks 28 & 29 in detailed discussions about allowing more flexibility in uses. Between December 2014 and February 2015, the DPAG met with or consulted all of the property owners in Blocks 28 & 29 to obtain their feedback. All property owners who expressed an opinion about the proposed changes saw the proposed additional low traffic commercial/retail uses as sensible and/or very helpful for the economic development of the area. Attachment 4 contains a summary of property owner feedback.

Staff also consulted with Metro, ODOT, and Washington County about the proposed amendment. The 60,000 square foot limitation on commercial/retail uses proposed in PTA-15-02 addresses ODOT's concern about potential transportation impacts on SW Tualatin-Sherwood Road and the I-5 interchange. The request to remove the EA designation of Blocks 28 & 29 addresses Metro's concern about Title 4 compliance. Washington County's concerns about potential transportation impacts were fully addressed with the analysis completed by DKS Associates.

In addition, an Open House was held on March 31, 2015, to discuss the proposed code changes and gather feedback from property owners and businesses in Blocks 28 & 29. Roughly 15 individuals, including business and property owners, attended the Open House. All were generally supportive of the proposed changes and appreciated being involved in the decision-making process. Attachment 5 summarizes written comments received at the Open House.

Next Steps

Staff will return to Planning Commission in May for a recommendation to City Council on PTA-15-02. City Council will receive a briefing on the proposed code language at the April 27 work session. A public hearing on the proposed amendment is scheduled for June 8, and an ordinance will be brought to City Council for adoption on June 22.

Attachments: [Attachment 1. Area Map](#)
 [Attachment 2. Draft Code Language](#)
 [Attachment 3. Transportation Analysis](#)
 [Attachment 4. DPAG Comment Summary](#)
 [Attachment 5. Open House Summary](#)
 [Attachment 6. Presentation](#)

Post Office

Tualatin Sherwood Rd

Dutch Bros

Applebee's

McDonald's

90th Ct

Warm Springs St

Boones Ferry Rd



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PTA-15-02

Section 1. TDC 60.030 is amended to read as follows:

Section 60.030 Central Urban Renewal Plan - Additional Permitted Uses in Blocks 28 and 29.

~~In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.~~

~~(1) Uses permitted in the CG District, conforming to the standards of the CG District, and excluding any use permitted in the CC District for Blocks 28 and 29. Notwithstanding the preceding sentence, limited use of take-out restaurants, smaller than 1,500 square feet, and with a seating capacity of 50 or less, will be allowed on Blocks 28 and 29. No drive-up windows will be allowed. No portion of such restaurant shall be closer than 200 feet from any public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the CG District, excluding any use permitted in the CC District, are permitted to be greater than 60,000 square feet of gross floor area per building or business in areas designated Employment Area or Industrial Area on Map 9-4.~~

(1) The following uses are permitted in Blocks 28 and 29 of the Central Urban Renewal Plan, as shown on Map 9-3:

(a) Office Uses:

- (i) Business or professional office.
- (ii) Medical-dental clinic.
- (iii) Real estate office.
- (iv) Veterinarian's office or animal hospital.

(b) Retail Uses:

- (i) Antique shop or secondhand store.
- (ii) Appliance store (incidental repairs only).
- (iii) Automobile accessory sales and auto parts retailing and wholesaling.
- (iv) Bicycle sales, service or repair.

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- (v) Boat, boat motor and boat trailer sales (does not include maintenance, service or repair), provided the boats do not exceed 18 feet in length, the boat motors do not exceed 40 horsepower, and the boat trailers are single axle.
- (vi) Book store.
- (vii) Building and home improvement materials and supplies retail sales, including garden tractors not exceeding 25 horsepower.
- (viii) Business machines sales, service or repair.
- (ix) Clothing store.
- (x) Feed and seed store.
- (xi) Florist.
- (xii) Furniture store (non-warehouse type).
- (xiii) Hardware store.
- (xiv) Jewelry store.
- (xv) Motorcycle sales and service.
- (xvi) Pawn shop.
- (xvii) Pet shop.
- (xviii) Plant shop.
- (xix) Record or music shop.
- (xx) Recreational water, snow, and land vehicles sales and service.
- (xxi) Scientific or professional instrument sales or repair.
- (xxii) Sporting goods store.
- (xxiii) Stationery store.

(c) Service Uses:

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- (i) Automobile glass shop; auto leasing office with no more than five autos stored on site; auto service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, mufflers, oil or lubrication, sound, transmissions, tune-up, and upholstery; and auto tire shop.
- (ii) Automobile towing company office and dispatch office (no outdoor storage of towed vehicles).
- (iii) Barber or beauty shop.
- (iv) Blueprinting, photostating, printing, lithographing, or other reproduction process.
- (v) Business college.
- (vi) Dental laboratory.
- (vii) Eating and Drinking Establishment, including drive-in restaurants, take-out restaurants, catering establishments, taverns, and cocktail lounges, subject to the following provisions:
 - (1) Drive-throughs are prohibited; and
 - (2) Take-out restaurants must be smaller than 1,500 square feet, seat no more than 50 people, and be located at least 200 feet away from a public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant must be at least 100 feet away from a public street right-of-way.
- (viii) Frozen food locker.
- (ix) Health or fitness facility.
- (x) Laundry or drycleaning establishment.
- (xi) Locksmith or gunsmith.
- (xii) Magazine or newspaper distribution agency.
- (xiii) Memorial planning and products center.
- (xiv) Nursery or greenhouse (allowed outdoors).

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- (xv) Optical lens grinder.
- (xvi) Photo processing.
- (xvii) Publishing house.
- (xviii) Radio or television service.
- (xix) Rental of various small equipment, tools, and devices.
- (xx) Shoe repair shop.
- (xxi) Studio, including music, art, dancing, photography or health.
- (xxii) Taxidermy shop.
- (xxiii) Telephone or telegraph exchange.
- (xxiv) Testing laboratory.
- (xxv) Watch and clock repair.

(d) Other Uses:

- (i) Assembly, packaging, and treatment of beer and other alcohol products, with or without a tasting or tap room.
- (ii) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(2) All uses permitted in subsection (1) must be conducted wholly within an enclosed building, except the following:

(a) Building and home improvement materials and supplies retail sales store's that have a gross floor exceeding 50,000 square feet may have an outdoor storage, display, and sales area subject to the following provisions:

- (i) the outdoor area must abut a wall of the store,
- (ii) the outdoor area must not exceed 15,000 square feet,
- (iii) no less than 50 percent of the outdoor area must be covered by a permanent roof,

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- (iv) all sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process, and
- (v) stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(b) Eating and Drinking Establishment, including drive-in restaurants, take-out restaurants, catering establishments, taverns, and cocktail lounges may have outdoor seating.

(c) Retail sales of boats, motors, and trailers may have an outdoor storage, display, and sales area subject to the following provisions:

- (i) the sales of boats, motors, and trailers must not be the primary products sold by the store;
- (ii) the outdoor area must abut a wall of the store,
- (iii) the outdoor area must not exceed 5,000 square feet,
- (iv) no less than 25 percent of the outdoor area must be covered by a permanent roof,
- (v) all sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process, and
- (vi) stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
- (vii) the boats do not exceed 18 feet in length;
- (viii) the boat motors do not exceed 40 horsepower; and
- (ix) the boat trailers are single axle.

(3) All uses, or combination of uses, permitted in subsection (1) cannot exceed 60,000 square foot per parcel.

(4) Notwithstanding TDC 60.040(1)(n), allowing retail automobile service stations and nonretail cardlock stations as a conditional use, retail automobile service stations

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and nonretail cardlock stations are prohibited in Blocks 28 and 29 of the Central Urban Renewal Plan.

(5) To the extent any provision of the Tualatin Development Code conflicts with this Section, this Section controls.

Section 2. Tualatin Development Code Section 60.050 Prohibited Uses, is deleted in its entirety.

Section 3. Tualatin Development Code Map 9-4 is deleted and replaced with amended Map 9-4, as shown on Exhibit 1, which is attached and incorporated herein, for the purpose of removing the “Employment Area” designation on Blocks 28 and 29 of the Central Urban Renewal Plan.



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DRAFT MEMORANDUM

DATE: March 13, 2015

TO: Aquilla Hurd-Ravich and Cindy Hahn, City of Tualatin

FROM: Mat Dolata, P.E., and Peter Coffey, P.E., DKS

SUBJECT: **Zone Change Trip Generation Comparison**
Transportation Analysis for the SW Mohave Court Plan Text Amendment

P#14125-000

This memorandum evaluates the traffic generation potential under existing and proposed zoning scenarios for the proposed SW Mohave Court Plan Text Amendment (PTA). The purpose of the analysis is to determine whether the proposed zone change would increase the site's motor vehicle trip generation potential. The memorandum includes project background, land use assumptions, trip generation for current and proposed zoning, and a findings summary. The motor vehicle trip generation potential is estimated by comparing the "worst reasonable case" of traffic generation for these land use scenarios.

BACKGROUND

The proposed SW Mohave Court PTA would affect 23 parcels located east of SW 90th Court, south of SW Old Tualatin Sherwood Road, and north and west of the BNSF railroad tracks near SW Boones Ferry Road. The parcels make up two blocks (numbers 28 and 29) of the Central Urban Renewal Area in Tualatin, Oregon. A map of the tax lots is included in the Technical Appendix.

A proposed PTA would modify the current Light Manufacturing (ML) zoning with General Commercial (CG) zoning overlay to permit some new land uses while restricting others. Land use actions in Oregon are subject to the requirements of the Transportation Planning Rule¹ (TPR). TPR analysis must be performed to determine if changes to comprehensive plans or zoning designations would have a significant impact on the transportation network. To evaluate the impact, the "reasonable worst case" of traffic generation is compared for existing and proposed land uses.

LAND USE ASSUMPTIONS

The following section describes the land use scenarios and key assumptions applied for estimated trip generation. The first land use scenario reflects the existing zoning: Light Manufacturing (ML) Planning District within the existing Central Urban Renewal District boundary that includes Tualatin Town Center. The second

¹ Oregon Administrative Rule, Chapter 660-012-0060, Department of Land Conservation and Development, Division 012, Transportation Planning

scenario modifies existing zoning by allowing some of the Central Commercial Planning District (CC) uses such as health and fitness clubs. Other currently permitted uses, such as gas stations, would be prohibited under proposed zoning.

Existing Zoning

The existing zoning allows a wide range of uses because it is designated for both industrial (Light Manufacturing - ML) and commercial (General Commercial - CG) uses. The ML designation is intended to support “warehousing, wholesaling, and light manufacturing processes.”² A wide range of other uses are permitted to support the industrial uses, including retail sales, service and office uses. The Central Urban Renewal District applies to the study area, per Section 60.030 of the Tualatin Development Code, allowing higher density General Commercial (CG) uses. Permitted uses include take-out restaurants (without drive-up windows), gas stations, and larger retail uses than would otherwise be allowed under ML zoning.

Key restrictions that limit the traffic generation potential of the site under current zoning include:

- Central Commercial Planning District (CC) uses are not permitted
- Office uses are limited to 25 percent of total gross floor area per site
- Retail sales areas and restaurants are not to exceed 1,500 square feet of gross floor area per use
- Restaurants may not have drive-up windows

Proposed Zoning

The proposed modifications would expand the permitted commercial land uses to include some uses that are allowed in Central Commercial Planning District (CC) zoning while prohibiting other land uses. The CC designation is intended to support “a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians”.³ The proposed zone change would provide more options for potential retail development, but would not necessarily increase the total size of retail uses on the site.

A key restriction that limits the traffic generation potential of the site under the proposed zoning scenario is that gas stations would not be permitted. In addition, retail anchor tenants such as grocery stores, supermarkets, and department stores would continue to be prohibited under proposed zoning.

Key Impacts to Traffic Generation Potential

A list of permitted and not permitted uses under existing and proposed zoning scenarios is included in the Technical Appendix. Traffic generation potential of the site will decrease as a result of prohibiting gas stations. Traffic generation potential of the site will increase as a result of the following:

- Larger health/fitness club allowed

² Tualatin Development Code, City of Tualatin, Chapter 60

³ Tualatin Development Code, City of Tualatin, Chapter 53



- Wider range and size of retail uses allowed
- Wider range and size of office uses allowed

Land Use Allocation

There are many common and/or similar uses permitted under existing and proposed zoning. The analysis assumes that a mixture of uses will continue to be reflected in the land use characteristics of each scenario. The land use assumptions were developed in coordination with City of Tualatin staff, reflecting their judgment of reasonable development potential on the site.

The existing zoning scenario is assumed to retain industrial uses, along with limited office and fitness uses that support the function of the industrial uses, while also incorporating the higher density commercial uses permitted through the Central Urban Renewal Plan.

The proposed land use scenario retains industrial uses, but reduces the overall share of land allocated to them. In this scenario some industrial uses are assumed to be replaced with office and commercial uses that reflect a higher density, mixed-use, and more pedestrian-oriented environment more typical of Central Commercial (CC) uses. The scenario assumes a fitness use (health and fitness club) is more likely to be constructed if the proposed land use action is adopted, based on the judgment of City of Tualatin staff.

Table 1 summarizes the land use allocations assumed for a “reasonable worst case” traffic generation analysis of each land use scenario. The land use allocations shown are applied to the gross square footage of buildable land in the 23 parcels that would be affected by the proposed PTA. The buildable land does not include land with existing roadways, as shown in the Technical Appendix.

Table 1: Land Use Characteristics by Scenario (Share of Gross Square Footage)

Land Use Type	Existing Zoning	Modified Existing Zoning
Industrial	35%	20%
Office	3%	10%
Commercial/Retail/Fitness	62%	70%

TRIP GENERATION

For evaluation of TPR compliance, potential traffic generation is compared for the proposed zoning relative to the existing zoning. Consistent methodology is applied to the existing and proposed land use scenarios to evaluate the increment of change in potential traffic generation. Trip generation rates are applied to estimated land uses to calculate trip generation potential. The land uses are estimated by applying typical building floor-to-area ratios to the developable land use allocation shown in Table 1. Permitted land uses that have higher trip generation potential are used to represent the “reasonable worst case” traffic generation for each land use scenario.

Trip Rates

Motor vehicle trip generation rates are based on rates from the ITE Trip Generation Manual.⁴ Representative rates were applied for each of the land uses assumed, as described below.

Industrial uses assume traffic generation potential according to ITE Code 110 (General Light Industrial) to reflect the variety of light manufacturing uses that currently exist on the site. Limited supporting uses such as general office (ITE Code 110) and health/fitness club (ITE Code 492) are included under the existing zoning scenario. The intensity of these uses is increased from 5% of the site to 20% of the site to reflect possible changes under the proposed zoning scenario. A higher trip generation rate is also applied for the office uses by assuming Medical-Dental Office Building (ITE Code 720) in the proposed zoning scenario, to reflect the expanded potential for office development under proposed zoning.

Retail uses that generate higher traffic volumes are assumed in both scenarios. Limited sized restaurants without drive-thru are permitted under existing and proposed zoning. Their traffic generation potential is calculated using ITE code 933(Fast Food without Drive Through). The expected size and number of restaurants (less than 3,000 square feet total) are limited in both scenarios, to reflect reasonable worst case development expectations. Gas/service stations (ITE Code 944) are assumed under existing zoning and prohibited under proposed zoning. The expected size and number of gas stations (16 fuel stations/pumps) are limited, to reflect reasonable worst case development expectations under existing zoning.

The remainder of the site is allocated for general retail uses. Since no specific developments or land uses have been identified at this time, Specialty Retail Center (ITE Code 826) is applied as a generalized retail land use category to estimate trip generation potential. This land use is described in the ITE Trip Generation Manual (p. 1578) as “generally small strip shopping centers that contain a variety of retail shops”. Other general retail rates such as Shopping Center (ITE Code 820) and Supermarket (ITE Code 850) are not considered to be appropriate for the site. The small size (and multiple ownership) of parcels on the site does not lend itself to large retail developments, superstores, or supermarkets. Furthermore, typical retail anchor tenants such as grocery stores, department stores, and movie theaters are not permitted under existing or proposed zoning.

Scenario Trip Totals

Daily and PM peak hour trips are estimated based on motor vehicle trip generation rates and estimated land uses. The results of the trip generation estimates are shown in Table 2. Trip generation calculation details and assumed land uses are included in the Technical Appendix.

⁴ Trip Generation Manual, 9th Edition, Institute of Transportation Engineers, 2012



Table 2: Trip Generation Comparison

Time Period	Existing Zoning	Proposed Zoning	Potential Change
Daily Trips	5,066	5,042	-23
PM Peak Hour Trips	403	386	-17

FINDINGS SUMMARY

Based on the land use assumptions documented in this memorandum, the proposed zoning change would not significantly increase daily trips or p.m. peak hour trips. There would be no level of service (mobility standard) impacts at adjacent intersections for the Transportation System Plan horizon year (2035) under this scenario. Because the proposed zoning change does not generate significantly more vehicle trips, the Transportation Planning Rule requirements (OAR 660-012-0060) would be sufficiently met.

The land use assumptions shown in Table 1 and the associated trip generation results shown in Table 2 represent one of many scenario comparisons that could be estimated for this proposed land use action. Other land use assumptions and trip rates could be applied to increase the difference in either direction. The land use assumptions were developed in coordination with City of Tualatin staff, reflecting their judgment of reasonable development potential on the site. We consider the scenarios developed for this analysis to be reasonable and representative of potential development resulting from the zone change.

The City of Tualatin and ODOT will continue to require transportation impact studies to evaluate transportation impacts for significant redevelopments as they occur.

Technical Appendix

SW Mohave Court Transportation Analysis - Taxlots



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Technical Appendix

SW Mohave Ct. Transportation Analysis - Land Area

	LAND AREA (gross square feet)	PARCEL NUMBER (RNO)	NOTE
1	9,435	R532187	
2	44,290	R532221	
3	16,918	R532196	
4	4,070	R532310	
5	12,975	R532329	
6	32,177	R532230	
7	21,869	R532150	
8	22,390	R532212	
9	9,466	R532178	
10	22,778	R532203	
11	29,329	R532169	
12	23,412	R1327451	
13	21,044	R1327460	
14	25,991	R1327479	
15	26,807	R1449141	
16	38,314	R1327488	
17	146,076	R1327530	
18	21,688	R1327549	
19	69,720	R532267	
20	29,109	R532249	
21	98,031	R1384905	
22	-	R532301	Current street location. Excluded from developable land.
23	-	R532258	Current street location. Excluded from developable land.
Total	725,891		

725,891 Total Buildable Square Footage of 21 Tax lots under consideration
16.7 Acres

Tax Lot Blocks: 28
 29

SOURCE: Metro RLIS

Technical Appendix- SW Mohave Court Transportation Analysis

Land Use Comparison Under Existing and Proposed Zoning - ITE Trip Generation Codes

ITE Code	Description	Existing Zoning	Proposed Zoning	Comments on Proposed Land Use Action	Comments on Reasonable Worst Case Scenario Traffic Generation	
		[CG/ML]	[CG/ML + Limited CC + Limited Restrictions]			
Transportation						
10	Waterport/Marine Terminal				No effect.	
21	Commercial Airport					
22	Gen. Aviation Airport					
30	Truck Terminal					
90	Park-and-Ride Lot with Bus Service					
93	LRT Station w/ Parking					
Industrial						
110	Gen Light Industrial	Permitted	Permitted	No significant changes proposed related to industrial uses. However, assembly, packing, & treatment of beer and other alcohol products would be permitted.	No effect.	
120	Gen Heavy Industrial					
130	Industrial Park	Permitted	Permitted			
140	Manufacturing	Permitted	Permitted			
150	Warehousing	Permitted	Permitted			
151	Mini-Warehouse	Permitted	Permitted			
152	High Cube Warehouse					
160	Data Center	Permitted	Permitted			
170	Utilities	Permitted	Permitted			
Residential						
210	Single-Family Detached Housing			Residential uses are not permitted in either scenario.	No effect.	
220	Apartment					
221	Low-Rise Apartment					
222	High-Rise Apartment					
223	Mid-Rise Apartment					
224	Rental Townhouse					
230	Residential Condo/Townhouse					
231	Low-Rise Res. Condo/Townhouse					
232	High-Rise Res. Condo/Townhouse					
233	Luxury Condo/Townhouse					
240	Mobile Home					
251	Senior Adult Housing Detached					
252	Senior Adult Housing Attached					
253	Congregate Care Facility					
254	Assisted Living					
255	Cont. Care Retirement Community					
260	Recreation Homes					
265	Timeshare					
270	Residential Planned Unit Dev. (PUD)					
310	Hotel					
311	All Suites Hotel					
312	Business Hotel					
320	Motel	Permitted				Use would not be permitted
330	Resort Hotel					

Land Use Comparison Under Existing and Proposed Zoning - ITE Trip Generation Codes

ITE Code	Description	Existing Zoning	Proposed Zoning	Comments on Proposed Land Use Action	Comments on Reasonable Worst Case Scenario Traffic Generation
Recreational/Entertainment					
411	City Park				Health/Fitness Club is likely to be constructed as part of proposed zoning.
412	County Park				
413	State Park				
414	Water Slide Park				
415	Beach Park				
416	Campground/RV Park				
417	Regional Park				
418	National Monument				
420	Marina				
430	Golf Course				
432	Golf Driving Range				
433	Batting Cages				
435	Multipurpose Recreation Facility				
437	Bowling Alley				
443	Movie Theater w/o Matinee				
444	Movie Theater w/ Matinee				
445	Multiplex Movie Theater				
452	Horse Racetrack				
473	Casino/Video Lottery Establishment				
488	Soccer Complex				
490	Tennis Courts				
491	Racquet/Tennis Club	Permitted	Permitted	Restrictions on size of health/fitness club would be removed.	
492	Health/Fitness Club	Permitted	Permitted		
493	Athletic Club	Permitted	Permitted		
495	Recreation Community Center (e.g., YMCA)				
Office/Institutional					
501	Military Base				None are significant to worst case scenario analysis.
520	Elementary School				
522	Middle/Junior High School				
530	High School				
534	Private School (K-8)				
536	Private School (K-12)				
540	Junior/Community College		Permitted	Additional permitted use (business college)	
550	University/College		Permitted	Additional permitted use (business college)	
560	Church				
565	Day Care	Permitted	Permitted	Restrictions on size and location removed.	
566	Cemetery				Medical/dental clinic uses will be permitted with proposed zoning. Office uses may be more likely under proposed zoning.
571	Prison				
590	Library				
610	Hospital				
620	Nursing Home				
630	Clinic		Permitted	Additional permitted use (medical-dental clinic)	
640	Animal Hospital/Veterinary Clinic	Permitted	Permitted		
710	General Office Building	Permitted	Permitted		
714	Corporate Headquarters Building	Permitted	Permitted	Restrictions on type and size of offices removed to allow business or professional uses.	
715	Single Tenant Office Building	Permitted	Permitted		
720	Medical-Dental Office Building		Permitted	Additional permitted use	
730	Government Office Building				
731	State Motor Vehicles Department				

Land Use Comparison Under Existing and Proposed Zoning - ITE Trip Generation Codes

ITE Code	Description	Existing Zoning	Proposed Zoning	Comments on Proposed Land Use Action	Comments on Reasonable Worst Case Scenario Traffic Generation
732	Post Office				
733	Government Office Comple	Permitted	Permitted		
750	Office Park	Permitted	Permitted		
760	Research & Development Center	Permitted	Permitted	Restrictions on type and size of offices removed to allow business or professional uses.	
770	Business Park	Permitted	Permitted		
Retail					
810	Tractor Supply Store	Permitted	Permitted		
811	Construction Equipment Rental Store	Permitted	Permitted		
812	Building Materials & Lumber	Permitted	Permitted		
813	Free Standing Discount Super Store				
814	Variety Store				
815	Free-Standing Discount Store				
816	Hardware/Paint Store		Permitted	Additional permitted use	
817	Nursery (Garden Center)	Permitted	Permitted		
818	Nursery Wholesale	Permitted	Permitted		
820	Shopping Center				
823	Factory Outlet Center				
826	Specialty Retail Center	Permitted	Permitted	A range of specialty retail uses would be permitted.	
841	Automobile Sales				
842	Recreational Vehicle Sales	Permitted	Permitted		
843	Automobile Parts Sales			Additional permitted use	
848	Tire Store	Permitted	Permitted		
849	Tire Superstore	Permitted	Permitted		
850	Supermarket				
851	Convenience Market (24 hours)				
852	Convenience Market (15-16 hours)				
853	Convenience Market w/ Gasoline pump	Permitted		Use would not be permitted	Gas stations would not be permitted.
854	Discount Supermarket				
857	Discount Club				No effect.
860	Wholesale Market				
861	Sporting Goods Superstore		Permitted	Additional permitted use	
862	Home Improvement Superstore	Permitted	Permitted		
863	Electronic Superstore				
864	Toy/Children's Superstore				
866	Pet Supply Superstore		Permitted	Additional permitted use	
867	Office Supply Superstore		Permitted		
868	Book Superstore				
869	Discount Home Furnishing Superstore				
875	Department Store				
876	Apparel Store		Permitted	Additional permitted use	
879	Arts and Crafts Store		Permitted	Additional permitted use	
880	Pharmacy/Drugstore w/o drive-through				
881	Pharmacy/Drugstore w/ drive-through				
890	Furniture Store		Permitted	Additional permitted use	
896	Video Rental Store		Permitted	Additional permitted use	
911	Walk-In Bank				
912	Drive-In Bank				No effect.
925	Drinking Place		Permitted	Additional permitted use	
931	Quality Restaurant				
932	High Turnover Sit-Down Rest.	Permitted	Permitted	Permitted w/restrictions. No significant change to restaurant uses.	
933	Fast Food w/o Drive-Thru	Permitted	Permitted		

Land Use Comparison Under Existing and Proposed Zoning - ITE Trip Generation Codes

ITE Code	Description	Existing Zoning	Proposed Zoning	Comments on Proposed Land Use Action	Comments on Reasonable Worst Case Scenario Traffic Generation
934	Fast Food With Drive-Thru				No effect. No significant change to restaurant uses.
935	Fast Food w/ Drive-Thru and No indoor Seat				
936	Coffee/Donut Shop w/o Drive-Through Window				
937	Coffee/Donut Shop with Drive-Through Window				
938	Coffee/Donut Shop with Drive-Through Window and No Indoor Seating				
940	Bread/Donut/Bagel Shop with Drive-Through Window				No effect.
941	Quick Lubrication Veh. Shop	Permitted	Permitted		
942	Automobile Care Center	Permitted	Permitted		Gas stations would not be permitted.
944	Gas/serve Station	Permitted		Use would not be permitted	
945	Gas/Serv. Station with Conv. Market	Permitted		Use would not be permitted	
946	Gas/Serv. Station with Conv. Market & Car Wash	Permitted		Use would not be permitted	No effect.
947	Self-serve Car Wash	Permitted	Permitted		
950	Truck Stop				

Expansion of permitted land use
Restriction of permitted land use

Technical Appendix

SW Mohave Ct. Transportation Analysis - Scenario Trip Generation Comparison

DRAFT

Existing Zoning Scenario															
ITE Code	Land Use Type	% of buildable land	Change from Existing	FAR*	Building Square Feet	% of total Building SqFt	ITE Unit	Daily Rate	PM Rate	Daily Trips (All)	PM Trips (All)	% Internal Trip Reduction **	% Primary Trip Reduction ***	Daily Primary Trips	PM Primary Trips
														531	74
110 Gen Light Industrial		35%	-	0.30	76,219	37.0%	76.2 ksf	7.0	1.0	531	74	0%	0%	531	74
492 Health/Fitness Club		2%	-	0.25	3,629	1.8%	3.6 ksf	43.9	3.5	159	13	20%	0%	127	10
710 General Office Building		3%	-	0.40	8,711	4.2%	8.7 ksf	11.0	1.5	96	13	20%	0%	77	10
720 Medical-Dental Office Building		0%	-	0.35	-	0.0%	0.0 ksf	36.1	3.6	-	-	20%	0%	-	-
826 Specialty Retail Center		50%	-	0.30	108,884	52.8%	108.9 ksf	44.3	2.7	4,826	295	20%	25%	2,895	177
933 Fast Food w/o Drive-Thru		2%	-	0.20	2,904	1.4%	2.9 ksf	194.2	26.2	564	76	20%	45%	248	33
944 Gas/serve Station		8%	-	0.10	5,807	2.8%	16.0 fuel stations	168.6	13.9	2,697	222	20%	45%	1,187	98
Total:		100.0%			206,153	100.0%				8,873	693			5,066	403

Proposed Zoning Scenario															
ITE Code	Land Use Type	% of buildable land	Change from Existing	FAR*	Building Square Feet	% of total Building SqFt	ITE Unit	Daily Rate	PM Rate	Daily Trips (All)	PM Trips (All)	% Internal Trip Reduction **	% Primary Trip Reduction ***	Daily Primary Trips	PM Primary Trips
														304	42
110 Gen Light Industrial		20%	-15%	0.30	43,553	20.0%	43.6 ksf	7.0	1.0	304	42	0%	0%	304	42
492 Health/Fitness Club		10%	8%	0.25	18,147	8.3%	18.1 ksf	43.9	3.5	796	64	20%	0%	637	51
710 General Office Building		5%	2%	0.40	14,518	6.7%	14.5 ksf	11.0	1.5	160	22	20%	0%	128	17
720 Medical-Dental Office Building		5%	5%	0.35	12,703	5.8%	12.7 ksf	36.1	3.6	459	45	20%	0%	367	36
826 Specialty Retail Center		58%	8%	0.30	126,305	57.9%	126.3 ksf	44.3	2.7	5,598	342	20%	25%	3,359	205
933 Fast Food w/o Drive-Thru		2%	0%	0.20	2,904	1.3%	2.9 ksf	194.2	26.2	564	76	20%	45%	248	33
944 Gas/serve Station		0%	-8%	0.10	-	0.0%	0.0 fuel stations	168.6	13.9	-	-	20%	45%	-	-
Total:		100.0%			218,130	100.0%				7,880	592			5,042	386

Net Difference (vs. Base)

(23) (17)

Notes

* Floor-to-area ratio is estimated based on typical land uses.

**Internal trip reduction is applied to remove trips that would travel between uses within the site.

***A second trip reduction is applied to remove pass-by and diverted trips.

Trip reductions are estimated based on the *Trip Generation Handbook*, 2nd Edition, Institute of Transportation Engineers, 2004.

Daily trip rates for ITE Codes 492 and 933 are not available. Therefore, the ratio from PM peak hour to Daily trip generation from similar uses (ITE code 493 and 934) are applied to PM peak rates to estimate daily rates for ITE Codes 492 and 933.

Commercial Citizen Involvement Organization



Memorandum To: City of Tualatin Planning Staff
From: CCIO DPAG Committee (Scott Miller (Chair), Robert Kellogg, Cathy Holland)
Subject: Feedback From Property Owners on Potential Expansion of Commercial Uses
Date: February 23, 2015

On February 17, we finished contacting all of the property owners/representatives in Blocks 28 and 29. We started the process on December 15. At our face-to-face meetings, we gave them a copy of the Summary dated December 12, 2014, and asked for their feedback. Three were not available for face-to-face meetings. We sent them a digital copy of the summary and talked to those property owners by phone.

The following summarizes the feedback we received:

- Everyone expressing an opinion saw the proposed additional low traffic commercial uses as sensible and/or very helpful for the economic development of the area. Several asked to think about it and then contacted us saying they supported the proposal. Two did not get back to us but during our conversations, they didn't appear concerned about the changes.
- One property owner asked if existing conditional uses could become allowed uses. After talking with Aquilla, we reported back that was not possible.
- All property owners wish to see the final code language before agreeing to the removal of two allowed uses: gas station and motel/apartment. If the revised code language was what we described, then they generally agreed that neither use made sense for Blocks 28 & 29.
- Several suggested the following businesses did not make sense and if they were dropped from the list it would be fine with them: Antique shop or second hand store, pawn shop, and/or radio or television service.
- Several suggested a size limitation of 10,000 sq. ft. on some of the more "retail" type shops (Clothing store, sporting good store, jewelry store, etc.)
- Existing light manufacturing owners did not want to see the "zoning" changed from Light Manufacturing but thought the additional commercial uses did make sense.
- The majority liked the idea of a general formula using size and traffic rates rather than a specific list of commercial uses. This would allow the City to respond to requests from new types of businesses in a more timely way.

Below is the list of property owners we contacted:

Site Address	Tenant	Ownership
19302 SW MOHAVE CT	Tire Factory	JPF INVESTMENTS LLC
19340 SW 89TH AVE	Paragon Auto	CARNEY INVESTMENTS LLC
19350 SW 89TH AVE	NW Spray & Compressor	JKM PROPERTIES LLC
19355 SW MOHAVE CT	Miller Paint	MILLER PAINT CO INC
19365 SW 89TH AVE	Rev-Chem	BLACKSTONE INVESTMENT (2)
19401 SW MOHAVE CT	JC Motors	J C MOTORS OF TUALATIN LLC
19425 SW 89TH AVE	ADI-Mobile	OSWEGO WEST LLC
19460 SW 89TH AVE	Upscale Auto	NORTHLAND ENTERPRISES LLC (2)
19465 SW 89TH AVE	Contractors	JVTC EXPLORATIONS LLC
19470 SW 89TH AVE	Chocosphere	TGOCC LLC
19470 SW MOHAVE CT	Oaktree	PIETKA PROPERTIES LLC
19477 SW 89TH AVE	Willamette Gray Stone	S N H CORPORATION
19404 SW 89TH AVE	Willamette Gray Stone	S N H CORPORATION
19493 SW 89TH AVE	Willamette Gray Stone	S N H CORPORATION
19480 SW 89TH AVE	Willamette Gray Stone	89TH STREET LLC
19488 SW MOHAVE CT	Columbia Self-Storage	COLUMBIA SELF-STOR LLC
8680 SW OLD Tual-Sher RD	Kmotion/Aaron Rental	CREATIVE ASSETS LLC
8750 SW OLD Tual-Sher RD	Brake Team	HURLBUTT FASANO & WONACOTT
8810 SW OLD Tual-Sher RD	Marsh Trans/Accurate Auto	MARSH JEFFREY O JR &
8930 SW OLD Tual-Sher RD	Undeveloped	KITCH TIM B & SUZANN P
8974 SW TUALATIN_SHER RD.	Cascade Funeral Directors/ Crown Memorial	RANDY TJADEN & MIKE FLEMMING

Open House: Blocks 28 & 29 Allowed Uses

Comment Summary

Roughly 15 individuals attended the Open House held on March 31, 2015, at 19354 SW Mohave Court in the Oak Tree Business Center.

Written comments received included the following:

- “Great!”
- “I am 100% in support of the changes to Blocks 28 & 29 and see it as a huge improvement to the City of Tualatin.”
- “Looks good to us!”
- “Good ideas—We support completely these extended uses.”
- “We appreciate the City’s willingness to work with the property owners on the zone changes. Thank you!”
- “We have had the same use on our property since 1973, but we are not a permitted use. We would like our use added to the list of permitted uses.”
 - Staff explained that the business currently operates under a conditional use permit, which would not be affected by the proposed code changes. It also was explained that it is not possible to make conditional uses permitted outright.
- “Please review current conditional uses and see if they can be added to new list and not be considered “conditional”.”
 - Staff responded to this comment similarly to the one above. It was explained that it is not possible to make conditional uses permitted outright.

Blocks 28 & 29 Allowed Uses

Tualatin Planning Commission
April 16, 2015



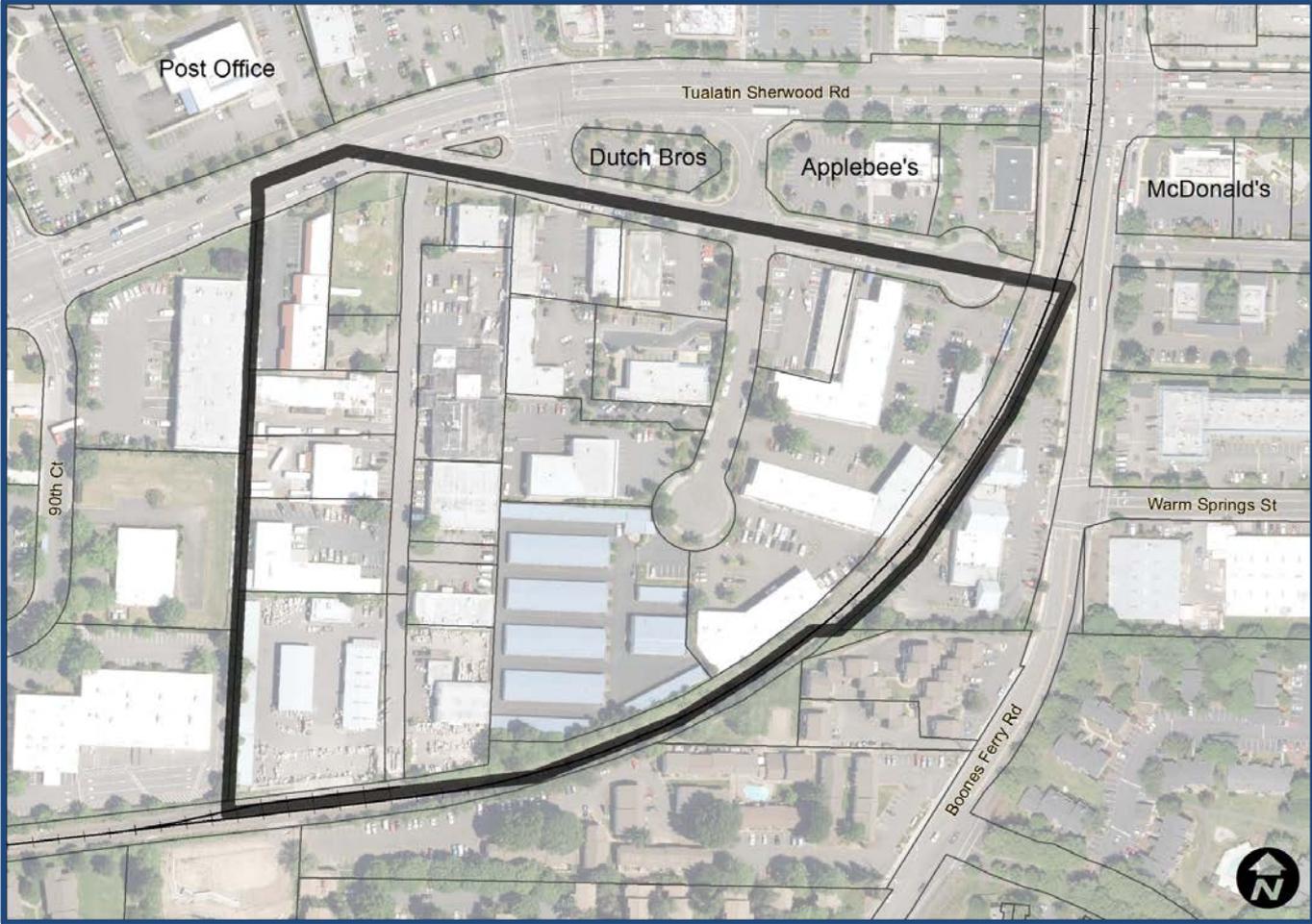
Background

- **March 2014:** City Council discussed project at work session
 - Expand uses to allow more flexibility
 - Possibly limit by type & size to control traffic impacts
- **July 2014:** DKS Associates hired for transportation analysis
- **October 2014:** CCIO DPAG prepared project status report
- **November 2014 – March 2015:** DPAG consulted with property owners & businesses
- **March 2015:** City staff consulted with ODOT, Washington County & Metro

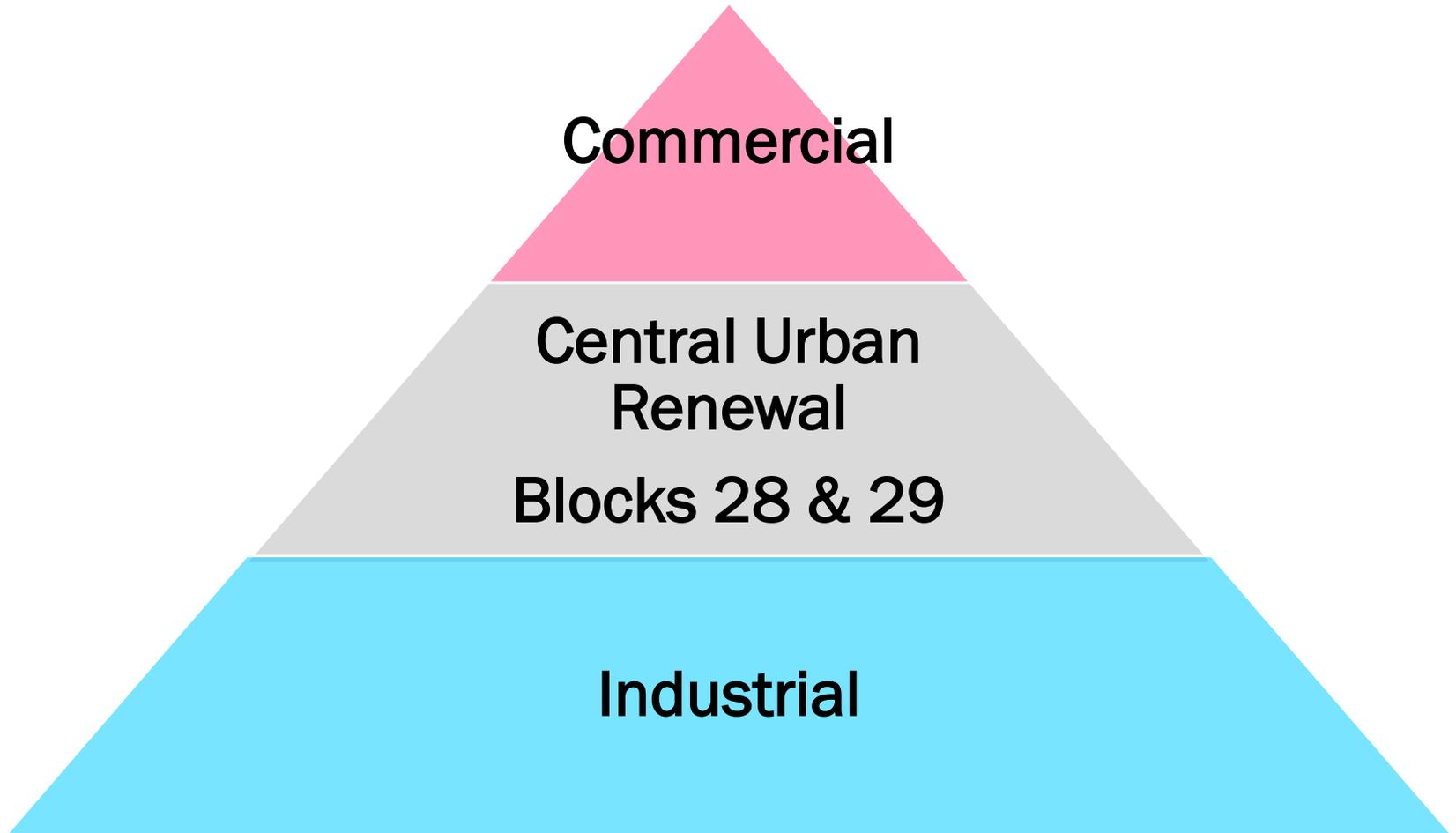
Purpose of Tonight's Meeting

- Explain possible code changes
 - Plan Text Amendment
- Prepare for review of PTA-15-02 and recommendation to City Council

Site Location



Layered Uses



Proposed Change to Industrial Uses

- **Add:**
 - Assembly, packaging, and treatment of beer and other alcohol products, with or without a tasting or tap room.

Proposed Change to Commercial Uses

- **Prohibit:**

- Automobile service station, with or without a mini-mart.
- Motel or tourist court.

- **Limit:**

- Size of all commercial/retail uses to 60,000 square feet per property

- **Allow:**

- Outdoor seating associated with tasting or tap rooms and eating and drinking establishments



Proposed Change to Commercial Uses

- **Office Uses - New:**
 - Medical-dental clinic
 - Business or professional office
 - Real estate office
- **Office Uses - Existing:**
 - Veterinarian's office or animal hospital
- **Retail Uses - New:**
 - Antique shop or secondhand store
 - Appliance store (incidental repairs only)
 - Automobile accessory sales and auto parts retailing and wholesaling
 - Bicycle sales, service or repair
 - Book store
 - Clothing store
 - Florist
 - Furniture store (non-warehouse type)
 - Hardware store
 - Jewelry store
 - Pawn shop
 - Pet shop
 - Plant shop
 - Record or music shop
 - Scientific or professional instrument sales or repair
 - Sporting goods store
 - Stationery store



Proposed Change to Commercial Uses

- **Retail Uses - Existing:**

- Boat, boat motor and boat trailer sales (with restrictions)
- Building and home improvement materials and supplies retail sales (with restrictions)
- Feed and seed store
- Motorcycle sales and service
- Recreational water, snow, and land vehicle sales and service

- **Service Uses - New:**

- Barber or beauty shop
- Blueprinting, photostating, printing, lithographing, or other reproduction process
- Business college

- Business machines sales, service or repair
- Eating and Drinking Establishments:
 - Catering establishment
 - Tavern or cocktail lounge
- Health or fitness facility
- Laundry or drycleaning establishment
- Locksmith or gunsmith
- Magazine or newspaper distribution agency
- Radio or television service
- Shoe repair shop
- Studio, including music, art, dancing, photography or health
- Telephone or telegraph exchange
- Watch and clock repair



Proposed Change to Commercial Uses

- **Service Uses - Existing:**

- Automobile glass shop; auto leasing office; auto service shop; and auto tire shop (with restrictions)
- Automobile towing company office and dispatch office (with restrictions)
- Dental laboratory
- Eating and Drinking Establishments:
 - Drive-in restaurant (with restrictions)
 - Take-out restaurant (with restrictions)
- Frozen food locker
- Memorial planning and products center
- Nursery or greenhouse

- Optical lens grinder
- Photo processing
- Publishing house
- Rental of various small equipment, tools, and devices
- Taxidermy shop
- Testing laboratory

- **Other Uses:**

- Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

Other Changes

- **Clarify:**
 - Conditional use language related to retail automobile service stations
- **Delete:**
 - Prohibited Uses section from ML
- **Remove:**
 - Employment Area (EA) designation from Blocks 28 & 29

Next Steps

April 16: Planning Commission
Preview of Code Changes



April 27: City Council Preview of
Code Changes



May 21: Planning Commission
Recommendation



June 8: Public Hearing



June 22: Ordinance Adoption

Questions & Discussion
